



Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Twenty-eighth Meeting Day

Thursday Afternoon

March 15, 2007

The Senate convened at 1:36 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Gary P. Dillon.

The Pledge of Allegiance to the Flag was led by Senator Long.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Boots	Meeks
Bowser	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 263: present 49. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that due to the death of Senator Anita Bowser on March 4, 2007, a vacancy was created in Senate District 8. Pursuant to my direction, Senator Bowser's name will remain on the Roll of Senators until such time as the process to name her successor is complete and the new Senator has taken the oath of office.

LONG

Report adopted.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1034, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1210, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Engrossed House Bill 1324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Engrossed House Bill 1434, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1509, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1555, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1595, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1242, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Engrossed House Bill 1033, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 12, after "operator" insert "**or an owner or employee of the mobile home community**".

Page 2, line 2, delete "permanently affix" and insert "**supply**".

Page 2, line 2, delete "in a".

Page 2, line 3, delete "prominent location".

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"(c) The supplying of a weather radio by a person who installs a manufactured home as required by this section does not subject the person to liability for the functionality of that weather radio."

Page 2, line 12, after "operator" insert ", **an owner, or an employee**".

Page 2, line 12, after "community" insert "**for the operator**".

Page 2, line 14, delete "home.)" and insert "**home)**".

Page 2, after line 14, begin a new paragraph and insert:

"SECTION 4. IC 34-30-2-99.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 99.6. IC 25-23.7-8-6 (Concerning the functionality of weather radios supplied by manufactured home installers)."

(Reference is to HB 1033 as reprinted February 20, 2007.) and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1214, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "a facility" and insert "**any location**".

(Reference is to HB 1214 as printed February 16, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1266, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-12-21-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.3. (a) This section applies to an individual who:

(1) meets the requirements set forth in section 6 of this chapter; and

(2) before the date that eligibility is determined by the commission, has been placed by or with the consent of the department of child services, by a court order, or by a licensed child placing agency in a foster family home, the home of a relative or other unlicensed caretaker, a child caring institution, or a group home.

(b) The commission shall consider an individual described in subsection (a) as a full-need student under the commission's rules when determining the eligibility of the individual to receive financial aid administered by the commission under this chapter."

Page 1, line 6, after "a" insert ":

(A)".

Page 1, line 6, after "public" insert "**school**";

Page 1, line 6, after "or" begin a new line double block indented and insert:

"(B)".

Page 1, line 6, strike "an accredited".

Page 1, line 7, delete "." and insert "**that is accredited by:**

(i) the state board under IC 20-19-2-10; or

(ii) a national or regional accrediting agency whose accreditation is accepted as a school improvement plan under IC 20-31-4-2."

Page 2, line 16, after "(1)" insert "**before or during grade 7 or grade 8,**".

Page 2, line 20, delete "is enrolled in a public or an accredited nonpublic high" and insert "**agrees in writing, together with the**

student's caseworker (as defined in IC 31-9-2-11), to the conditions set forth in subsection (a)(4);".

Page 2, line 21, delete "school;".

Page 2, line 22, delete "requirements" and insert "requirement".

Page 2, line 22, delete "subsection (a)(2)" and insert "subdivision (2)".

Page 2, line 23, delete "and (a)(3)".

Page 2, line 23, delete "subsection (a)." and insert "this section.".

Page 2, delete lines 24 through 38, begin a new paragraph and insert:

"SECTION 3. IC 20-12-70-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 17. (a) This section applies to a student described in section 2(b) of this chapter.**

(b) A caseworker shall provide each student to whom the caseworker is assigned information concerning the program at the appropriate time for the student to receive the information and explain the program to the student.

(c) A student who receives information under this section shall sign a written acknowledgment that the student received the information. The written acknowledgment must be placed in the student's case file.

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) Before June 30, 2008, the state student assistance commission shall offer an opportunity to become an eligible student (as defined in IC 20-12-70-2, as amended by this act) to any student who during the 2005-2006 school year or 2006-2007 school year:**

(1) met the eligibility criteria set forth in IC 20-12-70-2(a)(2), as amended by this act, as if IC 20-12-70-2(a)(2), as amended by this act, had been in effect at the time; and

(2) was enrolled in grade 8 at a nonpublic school that is accredited by a method set forth in IC 20-12-70-2(a)(2), as amended by this act.

(b) This SECTION expires July 1, 2008.

SECTION 5. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1266 as reprinted February 13, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1306, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 20, after "years" insert "of".

Page 2, line 25, delete "without delay" and insert "immediately".

Page 2, delete lines 38 through 40.

Page 2, line 41, delete "(8)" and insert "(7)".

Page 3, line 2, delete "(9)" and insert "(8)".

Page 3, line 41, delete "name and location" and insert "names and locations".

Page 4, between lines 27 and 28, begin a new paragraph and insert:

"(e) A law enforcement agency that stops an investigation under subsection (c) may not disclose the location of the missing person to the person who made the missing person report if the missing person requests that the information not be disclosed."

Page 4, line 28, delete "Upon receipt of" and insert "If requested by the person making".

Page 4, delete line 42.

Page 5, delete lines 1 through 3.

Page 5, line 4, delete "(5)" and insert "(4)".

Page 5, line 10, delete "after".

Page 5, delete lines 14 through 16.

Page 5, line 17, delete "(2)" and insert "(1)".

Page 5, line 17, after "authorization" insert "from the missing person's family".

Page 5, line 19, delete "(3)" and insert "(2)".

Page 5, line 21, delete "(4)" and insert "(3)".

Page 5, delete line 22.

Page 5, delete lines 30 through 32.

Page 5, line 33, delete "(b)" and insert "Sec. 9. (a)".

Page 5, line 36, delete "(c)" and insert "(b)".

Page 6, line 2, delete "shall" and insert "may".

Page 6, line 3, delete "provide the state police".

Page 6, line 4, delete "department with information that will assist" and insert "request the assistance of".

Page 6, line 6, delete "state police department" and insert "law enforcement agency that receives a report of a high risk missing person".

Page 6, line 8, delete "state police department" and insert "law enforcement agency that receives a report of a high risk missing person".

Page 6, line 12, delete "state police department" and insert "law enforcement agency that receives a report of a high risk missing person".

Page 6, line 22, delete "state" and insert "law enforcement agency that receives a report of a high risk missing person".

Page 6, line 23, delete "police department".

Page 6, line 32, delete "bases, or, if" and insert "bases".

Page 6, delete lines 33 through 36.

Page 6, line 41, delete "juvenile" and insert "adult".

Page 7, delete lines 8 through 13.

Page 9, delete lines 13 through 42.

Delete page 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1306 as reprinted February 20, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Engrossed House Bill 1335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 21, line 25, after "maintain" insert "**either one (1) or**".

Page 21, line 28, after "maintain" insert "**either one (1) or**".

Page 21, line 29, delete "contacting with" and insert "**using**".

Page 21, line 31, delete "of the two (2) teams." and insert "**team**".

(Reference is to HB 1335 as printed January 19, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1387, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 19, after "Beating" insert "**(as described in IC 35-46-3-0.5(2))**".

Page 2, line 19, after "torturing" insert "**(as described in IC 35-46-3-0.5(5))**".

Page 2, line 19, after "mutilating" insert "**(as described in IC 35-46-3-0.5(3))**".

Page 2, line 38, after "Beating" insert "**(as described in IC 35-46-3-0.5(2))**".

Page 2, line 38, after "torturing" insert "**(as described in IC 35-46-3-0.5(5))**".

Page 2, line 38, after "mutilating" insert "**(as described in IC 35-46-3-0.5(3))**".

Page 3, line 37, delete "repeatedly and violently with a hand or an object".

Page 3, line 39, after "injury." insert "**The term does not include reasonable training or disciplinary techniques.**".

Page 4, line 9, after "food" delete "," and insert "**or**".

Page 4, line 9, delete "or adequate shelter" and insert "**if the animal is dependent upon the person for the provision of food or drink**".

Page 4, line 16, after "inflict" insert "**extreme physical pain or injury on**".

Page 4, line 16, delete "extreme physical pain or".

Page 4, line 17, delete "injury with".

Page 4, line 17, before "intent" insert "**sole**".

Page 4, line 21, after "substance" insert "**and suffer harm, pain, or physical injury**".

Page 4, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 6. IC 35-46-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsections (b) through (c), this chapter does not apply to the following:

- (1) Fishing, hunting, trapping, or other conduct authorized under IC 14-22.
- (2) Conduct authorized under IC 15-5-7.
- (3) Veterinary practices authorized by standards adopted under IC 15-5-1.1-8.
- (4) Conduct authorized by a local ordinance.
- (5) Acceptable farm management practices.

(6) Conduct authorized by the Indiana Meat and Poultry Inspection and Humane Slaughter Act, IC 15-2.1-24, and rules adopted under IC 15-2.1-24 for state or federally inspected livestock slaughtering facilities.

(7) A research facility registered with the United States Department of Agriculture under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.).

(8) Destruction of a vertebrate defined as a pest under IC 15-3-3.6-2(22).

(9) Destruction of or injury to a fish.

(10) Destruction of a vertebrate animal that is:

(A) endangering, harassing, or threatening livestock or a domestic animal; or

(B) destroying or damaging a person's property.

(b) Section 1 of this chapter applies to conduct described in subsection (a).

(c) Destruction of an animal by electrocution is authorized under this section only if it is conducted by a person who is engaged in an acceptable farm management practice, by a research facility registered with the United States Department of Agriculture under the Animal Welfare Act, or for the animal disease diagnostic laboratory established under IC 15-2.1-5-1, a research facility licensed by the United States Department of Agriculture, a college, or a university."

Page 6, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 9. IC 35-46-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. **(a)** A person ~~having who owns~~ a vertebrate animal ~~in the person's custody and~~ who recklessly, knowingly, or intentionally abandons or neglects the animal commits cruelty to an animal, a Class B misdemeanor.

(b) It is a defense to a prosecution under this section that the owner reasonably believed that the vertebrate animal was capable of surviving on its own."

Page 6, delete lines 14 through 21.

Page 7, between lines 10 and 11, begin a new paragraph and insert:

"(d) When a court imposes a sentence or enters a dispositional decree under this section concerning a person described in subdivision (1), the court:

(1) shall consider requiring:

(A) a person convicted of an offense under this section; or

(B) a child adjudicated a delinquent child for committing an act that would be a crime under this section if committed by an adult;

to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree; and

(2) may order an individual described in subdivision (1) to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree."

Page 7, line 30, delete "Class A misdemeanor" and insert "**Class D felony**".

Page 7, line 30, delete "However, the offense".

Page 7, delete line 31.

Page 7, delete lines 32 through 33.

Page 7, line 34, after "2007]" insert "**(a) Except as provided in subsection (b),**".

Page 7, line 34, after "IC 35-46-3-8" delete ",,".

Page 7, line 35, delete "IC 35-46-3-9,".

Page 7, line 35, delete "all" and insert "**both**".

Page 7, after line 37, begin a new paragraph and insert:

"(b) IC 35-46-3-12(d), as amended by this act, applies only to:

(1) crimes; and

(2) delinquent acts that would be crimes if committed by an adult;

that are committed after June 30, 2007."

(Reference is to HB 1387 as reprinted February 20, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1428, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "IC 20-26-15-15" and insert "IC 20-26-5-31".

Page 1, line 3, delete "Sec. 15." and insert "**Sec. 31. (a)**".

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"(b) This subsection applies to a regular or special police officer who is assigned as a security police officer for a school corporation under IC 36-8-3-7. The governing body of the school corporation to which the police officer is assigned shall ensure that the police officer receives training and education, approved by the state board, that will enable the police officer to appropriately deal with individuals with autism and Asperger's syndrome."

Page 1, line 15, delete "or" and insert "**and**".

Page 2, line 14, delete "IC 20-26-15-15," and insert "**IC 20-26-5-31,**".

Page 2, line 23, delete "IC 20-26-15-15," and insert "**IC 20-26-5-31,**".

Page 2, line 30, delete "IC 20-26-15-15," and insert "**IC 20-26-5-31,**".

Page 2, line 33, delete "IC 20-26-15-15," and insert "**IC 20-26-5-31,**".

(Reference is to HB 1428 as reprinted February 20, 2007.) and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1457, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Page 1, delete lines 1 through 2, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-160.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 160.5. "Health care entity", for purposes of IC 16-41-42, has the meaning set forth in IC 16-41-42-1.**

SECTION 2. IC 16-38-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 19. (a) During the year 2006, a committee of the general assembly shall review the need to continue the registry. The committee shall submit its recommendations in an electronic format under IC 5-14-6 to the general assembly before December 31, 2006.**

(b) The registry is abolished July 1, 2007. 2017.

SECTION 3. IC 16-41-42 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 42. Registration of Out-of-State Mobile Health Care Entities

Sec. 1. As used in this chapter, "health care entity" means an entity that:

- (1) is registered or licensed as a health care entity under the laws of another state, a foreign country, or a province in a foreign country; and**
- (2) provides health care services, including the performance of health care tests, in a mobile facility or temporary location for a short period of time.**

Sec. 2. The state department shall maintain a registry of health care entities that apply for and meet the registration requirements under this chapter.

Sec. 3. The registry must include the name of each registered health care entity and the date that the health care entity registered with the state department under this chapter.

Sec. 4. The state department shall issue a certificate of registration to a health care entity that applies for registration and meets the requirements of this chapter.

Sec. 5. A health care entity applying for registration under this chapter shall disclose the following:

- (1) The types of health care services that the health care entity is going to provide in Indiana.**
- (2) The names of any employees who are currently in good standing licensed, certified, or registered in a health care profession in:**

(A) Indiana; or

(B) any other state;

and a copy of the employee's license, certification, or registration.

(3) Any health care services that are to be provided under a contract between the health care entity and a person that is licensed, certified, or registered in Indiana to provide health care services.

(4) The types of:

(A) health care services;

(B) health care tests; and

(C) equipment;

that the health care entity is going to perform or use.

(5) The manner in which the test results and recommendations for health care based on the results are

disclosed to the patient.

Sec. 6. A registered health care entity shall display the entity's certificate of registration in a conspicuous place in sight of a consumer of the health care entity.

Sec. 7. A certificate of registration expires one (1) calendar year after its issuance.

Sec. 8. A health care entity may not provide services in Indiana until the health care entity is registered under this chapter with the state department.

Sec. 9. Registration under this chapter does not exempt a health care entity from the licensure, certification, and registration requirements of IC 25.

Sec. 10. The state department shall adopt under IC 4-22-2 rules necessary to implement this chapter, including rules specifying registration renewal procedures.

SECTION 4. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).

(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(24) Respiratory care committee (IC 25-34.5).

(25) Private detectives licensing board (IC 25-30-1-5.1).

(26) Occupational therapy committee (IC 25-23.5).

(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(29) State board of registration for land surveyors (IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

(35) Manufactured home installer licensing board (IC 25-23.7).

(36) Home inspectors licensing board (IC 25-20.2-3-1).

(37) State department of health.

~~(37)~~ **(38)** Any other occupational or professional agency created after June 30, 1981."

Page 2, between lines 22 and 23, begin a new line block indented and insert:

"(14) An advanced practice nurse who has a collaborative agreement with a physician who specializes in addiction treatment for pregnant women or the care of pregnant women."

Page 2, line 26, delete "and".

Page 2, line 27, after "(13)" insert ", and (14)".

Page 3, after line 15, begin a new paragraph and insert:

"SECTION 6. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1457 as printed February 9, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1663, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 13, delete ".".

Page 4, line 16, after "." insert **"in accordance with IC 16-41-9."**

Page 5, line 40, after "corporation." insert **"This subdivision does not authorize the merger of the health and hospital corporation with a hospital licensed under IC 16-21."**

Page 6, line 40, delete ", but not limited to,".

Page 11, line 9, strike "he" and insert **"the person"**.

(Reference is to HB 1663 as reprinted February 21, 2007.)

and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1693, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 24, reset in roman "passengers,"
Page 2, line 25, after "property" insert ",".
Page 4, line 35, delete "is:" and insert "is".
Page 4, line 36, delete "(1)".
Page 4, run in lines 35 through 36.
Page 4, line 37, delete "goods;" and insert "goods".
Page 4, delete lines 38 through 39.
Page 4, run in lines 37 and 40.
Page 7, line 18, delete "a:" and insert "a".
Page 7, line 19, delete "(1)".
Page 7, run in lines 18 through 19.
Page 7, line 20, delete "compensation; or" and insert "compensation".
Page 7, delete line 21.
Page 7, run in lines 20 and 22.
Page 7, line 26, reset in roman "This section does not apply to a person".
Page 7, reset in roman lines 27 through 28.
Page 9, line 10, delete "IC 8-2.1-22-27".
Page 9, line 13, delete "IC 8-21-17-7.5" and insert "IC 8-2.1-17-7.5".

(Reference is to HB 1693 as printed February 16, 2007.)
and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Engrossed House Bill 1722, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 37, after "means" insert "pipeline quality".
Page 3, line 38, delete "manufacturing" and insert "gasification".
Page 3, line 38, after "coal" insert "from the geological formation known as the Illinois Basin".
Page 4, line 4, delete "an" and insert "a".
Page 4, line 10, delete "Notwithstanding" and insert "Subject to IC 8-1-8.9 and notwithstanding".
Page 4, line 11, after "gas" insert ", or electricity generated in connection with the production of substitute natural gas".
Page 4, line 17, delete "transportation" and insert "generation, transmission, transportation".
Page 7, line 1, delete "eliminates" and insert "avoids".
Page 9, between lines 25 and 26, begin a new paragraph and

insert:

"SECTION 14. IC 8-1-8.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8.9. Financing of Substitute Natural Gas Costs

Sec. 1. (a) As used in this chapter, "assignee" means any individual, corporation, or other legal entity to which an SNG property interest is transferred.

(b) The term includes an assignee of a person described in subsection (a).

Sec. 2. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 3. As used in this chapter, "energy utility" has the meaning set forth in IC 8-1-2.5-2.

Sec. 4. As used in this chapter, "financing entity" means a person that provides:

- (1) equity financing; or
- (2) debt financing;

that is secured by an SNG property interest.

Sec. 5. As used in this chapter, "qualified contract" means a contract with a term of at least thirty (30) years for the sale of substitute natural gas to an energy utility.

Sec. 6. As used in this chapter, "qualified cost" means any cost incurred by an energy utility in purchasing substitute natural gas under a qualified contract.

Sec. 7. As used in this chapter, "qualified order" means a final and irrevocable order that:

- (1) is issued by the commission; and
- (2) approves a qualified contract adopted in accordance with this chapter and IC 8-1-2-42.1.

Sec. 8. As used in this chapter, "substitute natural gas" or "SNG" has the meaning set forth in IC 8-1-2-42.1(a).

Sec. 9. As used in this chapter, "SNG property interest" means the right, title, and interest that:

- (1) is held by an energy utility or its assignee;
- (2) is created by a qualified order; and
- (3) entitles the energy utility or its assignee to recover qualified costs under IC 8-1-2-42.1.

Sec. 10. As used in this chapter, "SNG seller" means any individual, corporation, or other legal entity that engages in the production and sale of substitute natural gas.

Sec. 11. (a) Notwithstanding any other law, the commission may, in accordance with this chapter and IC 8-1-2-42.1, issue a qualified order that:

- (1) approves the terms of a qualified contract; and
- (2) authorizes the recovery of qualified costs by an energy utility from its customers.

(b) A qualified order issued under this section may not be:

- (1) rescinded;
- (2) nullified; or
- (3) modified;

in such a manner that reduces or otherwise impairs the value of an SNG property interest.

Sec. 12. (a) An SNG property interest, including any right to future purchases of substitute natural gas during the term of a qualified contract, constitutes a present property right.

(b) Qualified costs recovered by an energy utility under a qualified order constitute proceeds of only the SNG property

interest that is created by the qualified order.

(c) If the commission issues a qualified order under section 11 of this chapter, the state covenants and agrees, for the benefit of the energy utility and any assignee or financing entity involved, that the state will not take or permit any action that would:

- (1) reduce or otherwise impair the value of the SNG property interest created by the qualified order; or
- (2) limit, alter, or impair:
 - (A) the qualified order;
 - (B) the SNG property interest created by the qualified order; or
 - (C) qualified costs that are:
 - (i) imposed on and collected by the energy utility; and
 - (ii) remitted to the SNG seller;

until the qualified contract has been performed in full.

Sec. 13. (a) An energy utility may assign an SNG property interest to an assignee, including:

- (1) another party to the qualified contract; or
- (2) a financing entity.

An assignee may in turn assign an SNG property interest to a financing entity that provides financing to the assignee.

(b) An assignment to a financing entity under this section may be:

- (1) an absolute assignment of the SNG property interest; or
- (2) an assignment of the SNG property interest as collateral for an obligation owed to the financing entity.

(c) An assignee under this section may enforce the SNG property interest by all applicable legal and equitable means.

(d) Any amounts collected by an energy utility in connection with the sale, transfer, or disposition of substitute natural gas under a qualified contract that forms the basis of an SNG property interest assigned under this section constitutes the property of the assignee. Pending the transfer of the SNG property interest to the assignee, the amounts described in this subsection shall be:

- (1) segregated by the energy utility; and
- (2) held in trust for the benefit of the assignee;

subject to the terms of the qualified contract that forms the basis of the SNG property interest that is being assigned.

Sec. 14. The interest of an assignee in:

- (1) an SNG property interest transferred to the assignee under section 13 of this chapter; and
- (2) any revenues or collections arising from the SNG property interest transferred;

are not subject to setoff by the energy utility that transferred the SNG property interest, or by any other person, in connection with any bankruptcy proceeding involving the energy utility.

Sec. 15. (a) If an agreement by an energy utility or an assignee to assign an SNG property interest expressly states that the assignment is a sale or is otherwise an absolute transfer:

- (1) the resulting transaction:
 - (A) is a true sale; and

(B) is not a secured transaction; and

(2) title, both legal and equitable, passes to the person to which the SNG property interest is assigned.

(b) A transaction resulting from an agreement described in subsection (a) is a true sale regardless of whether:

- (1) the assignee has recourse against the assignor; or
- (2) the agreement provides for any of the following:
 - (A) The assignor's retention of an equity interest in the SNG property interest transferred.
 - (B) Continuing obligations of the energy utility under the qualified contract, including the obligation of the energy utility to serve as the collector of qualified costs.
 - (C) The treatment of the transfer as a financing for tax, financial reporting, or other purposes.

Sec. 16. (a) An SNG property interest does not constitute an account or a general intangible under IC 26-1-9.1-102. The creation, granting, perfection, and enforcement of liens and security interests in SNG property interests are governed by this chapter and not by IC 26-1-9.1.

(b) A valid and enforceable lien and security interest in an SNG property interest may be created only by the execution and delivery of a security agreement with a financing entity in connection with the issuance of indebtedness. The security interest attaches automatically from the time that value is received for the indebtedness secured by the SNG property interest and, upon perfection through the filing of notice with the secretary of state:

- (1) constitutes a continuously perfected lien and security interest in the SNG property interest and all proceeds of the SNG property interest, whether or not accrued;
- (2) has priority in the order of its filing; and
- (3) takes precedence over any subsequent judicial lien or other creditor's lien.

If notice is filed with the secretary of state not later than ten (10) days after value is received for the indebtedness, the security interest is perfected retroactive to the date the value was received. If notice is not filed with the secretary of state within ten (10) days after value is received for the indebtedness, the security interest is perfected as of the date of filing.

(c) Transfer of an SNG property interest to an assignee is perfected against all third parties, including subsequent judicial or other lien creditors, upon:

- (1) the delivery of transfer documents to the assignee; and
- (2) the filing of notice with the secretary of state in accordance with subsection (b).

However, if notice of the transfer is not filed with the secretary of state within ten (10) days after the delivery of the transfer documentation, the transfer of the SNG property interest is not perfected against third parties until the notice is filed.

(d) The priority of a lien and security interest under this section is not impaired by either of the following:

- (1) A later modification of the qualified order creating the SNG property interest being transferred.
- (2) The commingling of other funds with funds collected in connection with a qualified contract. Any other security interest that may apply to funds collected in connection with a qualified contract terminates when the funds are transferred to a segregated account for the benefit of the

assignee or a financing entity. If an SNG property interest has been transferred to an assignee, any proceeds from the SNG property interest shall be held in trust for the assignee.

(e) If a default or termination occurs in connection with a financing secured by an SNG property interest, the financing entity or its representative may foreclose on or otherwise enforce its lien and security interest in the SNG property interest as if the financing entity were a secured party under IC 26-1-9.1. Amounts arising from the qualified contract that is the basis of the SNG property interest shall be transferred to a separate account for the financing entity's benefit and are subject to the financing entity's security interest and lien.

Sec. 17. An assignee or a financing party is not considered an energy utility solely by virtue of its participation in any transaction described in this chapter.

Sec. 18. Any entity that becomes a successor to an energy utility, as the result of:

- (1) any bankruptcy, reorganization, or other insolvency proceeding;
- (2) any merger, sale, or transfer involving the energy utility; or
- (3) the operation of law;

or for any other reason, shall perform and satisfy any obligations of the energy utility incurred under this chapter in the same manner and to the same extent as the energy utility would have been obligated to perform, including the obligation to pay to an assignee any funds collected by the energy utility in connection with the SNG property interest assigned to the assignee.

Sec. 19. An SNG seller that is an assignee may contract with the energy utility, in the qualified contract or in another contract, for the performance of services related to the sale of substitute natural gas under the qualified contract, including:

- (1) the transportation and distribution of substitute natural gas; and
- (2) billing, collection, and other related services;

according to terms and conditions that reasonably compensate the energy utility for its services and adequately secure payment to the SNG seller.

Sec. 20. If an energy utility makes a true sale of an SNG property interest to an SNG seller under section 15 of this chapter, the SNG seller:

- (1) retains title to all substitute natural gas distributed by the energy utility to the energy utility's retail end use customers;
- (2) is entitled to all amounts collected by the energy utility from its retail end use customers for the distribution of the substitute natural gas, subject to the terms of the qualified contract; and
- (3) has the same rights to payments made by the energy utility's retail end use customers as does the energy utility that provides the substitute natural gas to those customers."

Renumber all SECTIONS consecutively.

(Reference is to HB 1722 as printed January 26, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Engrossed House Bill 1731, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 40, delete ".".

Page 2, line 40, reset in roman "only if the identity of the offeror providing".

Page 2, line 41, reset in roman "the information is not disclosed to others."

(Reference is to HB 1731 as reprinted February 24, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1739, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 6. IC 35-47-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. It is a Class B misdemeanor for a person to **knowingly or intentionally** manufacture, possess, display, offer, sell, lend, give away, or purchase ~~any knife with a blade that:~~

~~(1) opens automatically; or~~

~~(2) may be propelled;~~

~~by hand pressure applied to a button; device containing gas; spring; or other device in the handle of the knife: a ballistic knife."~~

Page 7, after line 13, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2007] **IC 35-47-5-2, as amended by this act, applies only to crimes committed after June 30, 2007."**

(Reference is to HB 1739 as printed February 20, 2007.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 10, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1821, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 21, delete "therapist;" and insert "therapist licensed;"

Page 4, line 22, delete "assistant;" and insert "assistant certified;"

Page 4, line 23, delete "licensed".

Page 4, line 34, after "check" insert "(as defined in IC 10-13-3-12)".

Page 9, line 17, delete "following:" and insert "practice of an occupation or a profession for which an individual is licensed, certified, or registered in Indiana by a state agency if the individual is practicing within the scope of the individual's license, certificate, or registration."

Page 9, delete lines 18 through 32.

Page 9, line 40, after "(2)" insert "The practice of occupational therapy by an occupational therapy assistant who is:

(A) certified under this article; and

(B) acting under the direct supervision of an occupational therapist.

(3)".

Page 9, line 41, after "the" insert "direct".

Page 10, between lines 1 and 2, begin a new paragraph and insert:

"Sec. 3. An occupational therapy assistant shall:

(1) be certified under this article; and

(2) practice under the direct supervision of an occupational therapist who is licensed under this article."

Page 10, line 5, delete "or".

Page 10, line 6, delete "occupational therapy assistants".

Page 11, line 6, delete "therapist or an occupational" and insert "therapist;"

Page 11, line 7, delete "therapy assistant;"

Page 11, line 16, after "licenses" insert "or certificates".

Page 11, line 33, after "licensed" insert "or certified".

Page 11, line 37, delete "therapy practitioner" and insert "therapist".

Page 11, line 39, delete "therapy practitioner" and insert "therapist".

Page 11, line 40, delete ", a psychologist licensed under".

Page 11, line 41, delete "IC 25-33,"

Page 11, line 42, delete "therapy practitioner" and insert "therapist".

Page 12, line 6, delete "Education related services." and insert "Occupational therapy activities provided in an educational setting."

Page 12, delete lines 11 through 24.

Page 12, line 31, after "or" insert "a certificate as an".

Page 13, line 11, reset in roman "certificate".

Page 13, line 12, delete "license".

Page 13, line 17, after "license" insert "or certificate".

Page 13, line 36, delete "therapists or" and insert "therapists,"

Page 13, line 37, delete "occupational therapy assistants,"

Page 14, line 10, after "license" insert "or certificate".

Page 14, line 13, after "license" insert "or certificate".

Page 14, line 16, after "7." insert "(a)".

Page 14, line 17, reset in roman "probationary".

Page 14, line 18, delete "temporary".

Page 14, line 23, after "therapist" insert ".".

Page 14, line 23, strike "or".

Page 14, strike line 24.

Page 14, between lines 24 and 25, begin a new paragraph and insert:

"(b) The committee may refuse to issue a certificate or may issue a probationary certificate to a person if:

(1) the person has been disciplined by an administrative agency in another jurisdiction; and

(2) the committee determines that the violation for which the person was disciplined has a direct bearing on the person's ability to practice as an occupational therapy assistant."

Page 14, line 27, reset in roman "probationary".

Page 14, line 27, delete "temporary".

Page 14, line 27, after "license" insert "or probationary certificate".

Page 14, line 29, delete "temporary" and insert "probationary".

Page 14, line 29, after "license" insert "or probationary certificate".

Page 14, line 38, reset in roman "probationary".

Page 14, line 38, delete "temporary".

Page 14, line 38, after "license" insert "or probationary certificate".

Page 15, line 1, after "license" insert "or certificate".

Page 15, line 4, after "license" insert "or certificate".

Page 15, line 6, after "license" insert "or certificate".

Page 15, line 7, delete "license." and insert "license or certificate."

Page 15, line 9, delete "license," and insert "license or certificate,"

Page 15, line 9, before "becomes" insert "or certificate".

Page 15, line 12, after "license" insert "or certificate".

Page 15, line 13, after "license" insert "or certificate".

Page 15, line 14, after "license" insert "or certificate".

Page 15, line 16, before "expired," insert "or certificate".

Page 15, line 16, after "the certificate license" insert "or certificate".

Page 15, line 17, after "license" insert "or certificate".

Page 15, line 22, reset in roman "permit".

Page 15, line 22, delete "license".

Page 15, line 27, after "license" insert "or certificate".

Page 15, line 33, after "license" insert "or certificate".

Page 15, line 41, after "license" insert "or certificate".

Page 16, line 1, reset in roman "permit".

Page 16, line 1, delete "license".

Page 16, line 6, reset in roman "permit".

Page 16, line 6, delete "license".

Page 16, line 7, reset in roman "permit".

Page 16, line 7, delete "temporary license".

Page 16, line 8, after "license" insert "or certificate".

Page 16, line 10, delete "application;" and insert "application or certificate application;"

Page 16, line 12, delete "temporary license" and insert "permit".

Page 16, line 13, reset in roman "permit".

Page 16, line 13, delete "license".

Page 16, line 14, reset in roman "permit".

Page 16, line 14, delete "temporary license".

Page 16, line 18, reset in roman "permit".
 Page 16, line 18, delete "temporary license".
 Page 16, line 19, reset in roman "permit".
 Page 16, line 19, delete "temporary license".
 Page 16, line 20, reset in roman "permit".
 Page 16, line 21, delete "temporary license".
 Page 16, line 24, after "licensed" insert "**or certified**".
 Page 16, line 31, after "license" insert "**or certificate**".
 Page 16, line 32, after "license" insert "**or certificate**".
 Page 16, line 33, delete "license," and insert "**license or certificate,**".
 Page 16, line 34, after "license" insert "**or certificate**".
 Page 16, line 36, after "license" insert "**or certificate**".
 Page 16, line 41, after "license" insert "**or certificate**".
 Page 17, line 14, after "or" insert "**issue a certificate to a person who has graduated as an**".
 Page 18, line 35, delete ":".
 Page 18, line 36, delete "(1)".
 Page 18, run in lines 35 through 36.
 Page 18, line 39, delete "; and" and insert ".".
 Page 18, delete lines 40 through 42.
 Page 19, delete line 1.
 Page 19, line 13, delete "December 1, 2007." and insert "**November 1, 2008.**".
 Renumber all SECTIONS consecutively.
 (Reference is to HB 1821 as reprinted February 16, 2007.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 61

Senate Concurrent Resolution 61, introduced by Senators Wyss and Zakas:

A CONCURRENT RESOLUTION honoring the Catholic Diocese of Fort Wayne-South Bend on its 150th Anniversary.

Whereas, In 1857, by the decree of His Holiness Pope Pius IX, the northern half of the state of Indiana was erected into the Catholic Diocese of Fort Wayne. The boundaries of this Diocese extended to the southern lines of Fountain, Montgomery, Boone, Hamilton, Madison, Delaware, Randolph and Warren Counties;

Whereas, In 1944, the Apostolic Decree of His Holiness Pope Pius XII established the Catholic Diocese of Lafayette from the southern counties of the Fort Wayne Diocese;

Whereas, In 1957, another division occurred as the Diocese celebrated its 100th anniversary, and four northwestern counties were taken from the Diocese to form the new Diocese of Gary;

Whereas, In 1960, the Diocese of Fort Wayne was renamed the Diocese of Fort Wayne-South Bend, now comprising 14 counties of

northeastern Indiana with a Catholic population of nearly 160,000. Through each of these divisions, the Dioceses have remained unified in faith;

Whereas, In 2007 the Catholic Diocese of Fort Wayne-South Bend celebrates its Sesquicentennial Jubilee Year. Bishop John M. D'Arcy calls on the entire diocese to assemble at the University of Notre Dame on August 18, 2007, for a Diocesan Eucharistic Congress to commemorate the anniversary;

Whereas, Bishop D'Arcy will also urge members of the Diocese of Fort Wayne-South Bend to observe the Jubilee Cross, which has traveled across the diocese from parish to parish for two years, reminding the Diocese of the Steadfast Love of Jesus Christ;

Whereas, During Lent, the Diocese initiated a "You Can Always Come Home" media campaign inviting inactive or under-active Catholics to "come home" to the Catholic Church, a toll-free telephone line for questions about the Catholic faith, a parish evangelization process called "Wells of Hope" and the Sacrament of Penance (confession) in all parishes throughout the Diocese on "Mercy Day," March 20;

Whereas, On December 8, 2007, the feast of the Immaculate Conception, the diocese and every parish, institution and holy place will be consecrated to Mary, Mother of Jesus Christ; and

Whereas, The Diocese of Fort Wayne-South Bend remains faithful to the Lord through changing times. The Diocese is a pillar of northwestern Indiana and its 150th anniversary is worthy of recognition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly honors the Catholic Diocese of Fort Wayne-South Bend on its 150th Anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Bishop John M. D'Arcy.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives GiaQuinta and Bell.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 10 and 212 and the same are herewith returned to the Senate.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill 48 with

amendments and the same is herewith returned to the Senate for concurrence.

CLINTON MCKAY
Principal Clerk of the House

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1059

Senator Lubbers called up Engrossed House Bill 1059 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1084

Senator Landske called up Engrossed House Bill 1084 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1145

Senator Bray called up Engrossed House Bill 1145 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1146

Senator Jackman called up Engrossed House Bill 1146 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1237

Senator Wyss called up Engrossed House Bill 1237 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1281

Senator Heinold called up Engrossed House Bill 1281 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1287

Senator Bray called up Engrossed House Bill 1287 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1287-1)

Madam President: I move that Engrossed House Bill 1287 be amended to read as follows:

- Page 1, line 2, strike "(a)".
- Page 1, strike lines 7 through 8.
- Page 1, line 9, delete "IC 35-47-4-7,".
- Page 1, line 9, strike "a person who has been".
- Page 1, strike lines 10 through 12.
- Page 2, line 34, delete "(a)".
- Page 2, delete lines 38 through 39.
- Page 19, line 22, strike "IC 3-7-13-5,".
- Page 19, line 22, after "IC 5-2-6.1" delete ",".

(Reference is to EHB 1287 as printed March 13, 2007.)

BRAY

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1291

Senator Bray called up Engrossed House Bill 1291 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1299

Senator Jackman called up Engrossed House Bill 1299 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1338

Senator Lawson called up Engrossed House Bill 1338 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1338-1)

Madam President: I move that Engrossed House Bill 1338 be amended to read as follows:

Page 1, line 5, delete "A" and insert "**Subject to the conditions described in subsection (e), a**".

Page 1, line 13, delete "If" and insert "**Subject to the conditions described in subsection (e), if**".

Page 2, line 5, delete "After" and insert "**Subject to the conditions described in subsection (e), after**".

Page 2, line 11, after "(e)" insert "**An offender's health and mental health records may be disclosed under this section only if the records are necessary for:**

- (1) the provision of health care to the offender;
- (2) the health and safety of the offender or other offenders;
- (3) the health and safety of others at the facility;
- (4) the health and safety of persons responsible for transporting or transferring the offender from one location to another;
- (5) law enforcement on the premises of a facility; or
- (6) the administration and maintenance of the safety, security, and good order of the facility.

(f)".

(Reference is to EHB 1338 as printed March 13, 2007.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1357

Senator Wyss called up Engrossed House Bill 1357 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1427

Senator Wyss called up Engrossed House Bill 1427 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1508

Senator Zakas called up Engrossed House Bill 1508 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1508-1)

Madam President: I move that Engrossed House Bill 1508 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-12-17.8, AS AMENDED BY P.L.154-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17.8. (a) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter in a particular year and who remains eligible for the deduction in the following year is not required to file a statement to apply for the deduction in the following year.

(b) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter in a particular year and who becomes ineligible for the deduction in the following year shall notify the auditor of the county in which the real property, mobile home, or manufactured home for which the individual claims the deduction is located of the individual's ineligibility before June 11 of the year in which the individual becomes ineligible.

(c) The auditor of each county shall, in a particular year, apply a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter to each individual who received the deduction in the preceding year unless the auditor determines that the individual is no longer eligible for the deduction.

(d) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter for property that is jointly held with another owner in a particular year and remains eligible for the deduction in the following year is not required to file a statement to reapply for the deduction following the removal of the joint owner if:

- (1) the individual is the sole owner of the property following the death of the individual's spouse;
- (2) the individual is the sole owner of the property following the death of a joint owner who was not the individual's spouse; or
- (3) the individual is awarded sole ownership of the property in a divorce decree.

(e) **A trust entitled to a deduction under section 9, 11, 13, 14, 16, or 17.4 of this chapter for real property owned by the trust and occupied by an individual in accordance with section 17.9 of this chapter is not required to file a statement to apply for the deduction, if:**

- (1) the individual who occupies the real property receives a deduction provided under section 9, 11, 13, 14, 16, or 17.4 of this chapter in a particular year; and**
- (2) the trust remains eligible for the deduction in the following year.**

SECTION 2. IC 6-1.1-12-17.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 17.9. A trust is entitled to a**

deduction under section 9, 11, 13, 14, 16, or 17.4 of this chapter for real property owned by the trust and occupied by an individual if the county auditor determines that the individual:

- (1) upon verification in the body of the deed or otherwise, has a beneficial interest in the trust;**
- (2) otherwise qualifies for the deduction; and**
- (3) would be considered the owner of the real property under IC 6-1.1-1-9(f)."**

Page 4, line 42, delete "the".

Page 12, line 4, delete "A" and insert "**The**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1508 as printed March 13, 2007.)

ZAKAS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1653

Senator Rogers called up Engrossed House Bill 1653 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Concurrent Resolution 61.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators R. Young and Skinner be added as cosponsors of Engrossed House Bill 1299.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as third sponsor of Engrossed House Bill 1595.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1726.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as second sponsor of Engrossed House Bill 1653.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be removed as second sponsor of Engrossed House Bill 1347.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be removed as sponsor of Engrossed House Bill 1347 and that Senator Alting be substituted therefor.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as second sponsor of Engrossed House Bill 1347.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Deig be removed as sponsor of Engrossed House Bill 1379 and that Senator Lawson be substituted therefor.

DEIG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Deig be added as cosponsor of Engrossed House Bill 1379.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be removed as sponsor of Engrossed House Bill 1510 and that Senator Merritt be substituted therefor.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be removed as sponsor of Engrossed House Bill 1500 and that Senator Merritt be substituted therefor.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be removed as sponsor of Engrossed House Bill 1479 and that Senator Merritt be substituted therefor.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be removed as sponsor of Engrossed House Bill 1177 and that Senator Bray be substituted therefor.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1722.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, March 19, 2007.

LAWSON

Motion prevailed.

The Senate adjourned at 2:10 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate